<center>**REMARKS**</center>

Claims 1-6, 8-13, and 15-22 will be pending in this application upon entry of this amendment. Claims 7 and 14 have been canceled. Claims 1-6, 8-13, and 15-22 have been amended. Support for these amendments may be found in the specification as originally filed— e.g., Specification, page 2, line 8-page 3, line 18; page 6, line 3-page 8, line 11. No new matter has been added.

OBJECTION TO THE DRAWINGS

The drawings are objected to because, according to the Examiner, the drawings do not show "bus 16" as described in the specification. Office Action, p. 3. Applicant notes that the specification describes "disk controllers 14 [] in data communications with a data-transmission channel, which in this case is a system bus 16." Specification, page 4, lines 17-18. Accordingly, Applicant has submitted a "Replacement Sheet" attached hereto with amendments to FIG. 1 showing bus 16. (Amended FIG. 1 now also indicates "editing system 10.") No new matter has been added. Therefore, Applicant respectfully requests that the objection be withdrawn.

CLAIM REJECTIONS UNDER § 101

The Office Action rejects claims 15-20 under 35 U.S.C. § 101. Office Action, p. 4. Applicant respectfully traverses. However, to expedite prosecution of this case, Applicant has amended claim 15 to recite "[a]n article of manufacture comprising a computer-readable storage device having program instructions stored thereon that, in response to execution by a computer system, cause the computer system to perform operations including…," thus falling squarely within one or more statutory categories of patentable subject matter—e.g., "manufacture." Claims 16-20 depend from claim 15 and have been amended accordingly. Therefore, Applicant respectfully requests that the 35 U.S.C. § 101 rejection of claims 15-20 be withdrawn.

CLAIM REJECTIONS UNDER § 102 OVER *GUEDALIA*

The Office Action rejects claims 1-6, 8-13, and 15-22 under 35 U.S.C. § 102(e) over *Guedalia* (6,536,043). Applicant respectfully traverses. Furthermore, Applicant does not

concede that *Guedalia* is prior art with respect to this application and reserves the right to submit materials to antedate this reference at a later time.

Claim 1

Amended claim 1 recites "*a processing element ... configured to monitor traffic between the storage medium and the processing element*." The claim further recites that "*the processing element is configured to dynamically determine, based at least in part on the monitored traffic, an extent of a first frame in the first progressively-encoded video stream*." Applicant respectfully asserts that *Guedalia* does not disclose these elements. In fact, the term "traffic" does not appear in this reference. Although *Guedalia* refers to "bandwidth," it does not refer to traffic. According to *Guedalia*,

> four different versions of the media could exist for (a) 24 fps playback, 14.4 Kbs bandwidth, (b) 24 fps playback, 28.8 Kbs bandwidth, (c) 30 fps playback, 14.4 Kbs bandwidth, (d) 30 fps, 28.8 Kbs bandwidth. As described below, using the present invention a single media file can be used to accommodate all four of these combinations.

Guedalia, 20:65-21:4. Thus, although *Guedalia* may disclose accommodating specified bandwidths, it does not disclose "a processing element configured to monitor traffic," as recited in claim 1. In addition, Applicant notes that *Guedalia*'s bandwidth appears to be "user-selected." *See, e.g., Guedalia*, 34:7-11 ("The original multimedia data file 73 is input to a compressor 107 along with the user-selected control parameters 106, resulting in compressed data 108 adapted to a user-selected bandwidth."). Therefore, *Guedalia* also does not disclose that "the processing element is configured to dynamically determine, based at least in part on the monitored traffic, an extent of a first frame in the first progressively-encoded video stream," as in claim 1.

Therefore, Applicant respectfully submits that claim 1 is patentably distinct over *Guedalia*. Claims 2-6 and 21 depend from claim 1 and thus are patentably distinct over *Guedalia* for at least the same reasons. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection of claims 1-6 and 21 be withdrawn.

Claim 8

Amended claim 8 recites, in part, that "*in response to detecting a pause in displaying the first frame, receiving an additional portion of the frame data for the first frame*." Applicant respectfully asserts that *Guedalia* does not disclose these elements, and notes that the term "pause" nowhere appears in this reference. Instead, *Guedalia* discloses as follows:

> As the media is **replayed** in the foreground ... the quality of the media is enhanced.

Guedalia, 2:67-3:2 (emphasis added). *Guedalia* further includes the following passage:

> a client ... can continue in background to receive successive data blocks and integrate them with previously received data blocks, resulting in successively higher quality media each time it is **replayed**.

Id., 4:5-11 (emphasis added). Still further, *Guedalia* discloses:

> a client ... can continue downloading block B_2 in background, since the bandwidth has been freed, and thereby achieve the same quality as bandwidth f_2 the next time the media is **replayed**.

Id., 21:41-46 (emphasis added). Therefore, while *Guedalia* may disclose allegedly modifying media when media is "replayed," it does not disclose "in response to detecting a pause in displaying the first frame, receiving an additional portion of the frame data for the first frame," as recited in claim 8. Accordingly, Applicant submits that claim 8 is patentably distinct from *Guedalia* for at least these additional reasons.

The Office Action cites to col. 26, lines 30-45 of *Guedalia* as allegedly "referring to the detection of a pause." Office Action, p. 6. Upon Applicant's review, however, it does not at all appear that *Guedalia* is referring to a "pause" in this (or any other) passage. Instead, that passage provides that:

> Whenever the user re-traces steps [*i.e.*, "replays"], so that the viewing parameters are the same as those selected at some previous stage, the server does not need to render the same bitmaps again. Rather, the streaming simply continues in background, and the quality of the image on the client side is enhanced as additional partial frames are integrated.

Guedalia, 26:29-35. Again, this passage refers to "re-trac[ing] steps," not "pausing" a display. Thus, to the extent that a subsequent Office Action insists that *Guedalia* discloses the recited element, Applicant respectfully requests that some clarification be provided as to which specific passage of *Guedalia* is believed to disclose a "pause" so that Applicant may have an opportunity to respond.

Applicant respectfully submits that claim 8 is patentably distinct over *Guedalia*. Claims 9-13 and 22 depend from claim 8 and thus are patentably distinct over *Guedalia* for at least the same reasons. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claims 8-13 and 22 be withdrawn.

Claim 15

Amended claim 15 recites, in part:

> fetching, from a storage location, a first dynamically-determined extent of frame data for a first frame of a first set of progressively-encoded video data, wherein the dynamically-determined extent of frame data is less than the entirety of the available frame data for the first frame;

> fetching, from the storage location, a second dynamically-determined extent of frame data for a second frame of a second set of progressively-encoded video data distinct from the first set of video data, wherein the second dynamically-determined extent of frame data is less than the entirety of the available frame data for the second frame; and

> causing a display of a composite image including frames from the first and second sets of video data.

Applicant respectfully submits that *Guedalia* does not disclose these elements. For example, while *Guedalia* discloses "transmitting digital data ... over plural transmission links," *Guedalia*, 2:55-59, *Guedalia* does not disclose "fetching" first and second dynamically-determined extents of frame data for a first and second sets of progressively-encoded video data where the "second set of progressively-encoded video data [is] distinct from the first set of video data," as in claim 15. Furthermore, *Guedalia* appears to disclose processing only one stream of data, and thus does not teach or suggest "causing a display of a composite image including frames from the first and second sets of video data." *See, e.g., Guedalia*, 21:5-62.

Accordingly, Applicant respectfully submits that claim 15 is patentably distinct over *Guedalia*. Claims 16-20 depend from claim 15 and thus are patentably distinct over *Guedalia* for at least the same reasons. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of claims 15-20 be withdrawn.

CONCLUSION

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-63700/LVP.

Also filed herewith are the following items:

☒ Replacement Sheet (Fig. 1)

Respectfully submitted,

Date: December 2, 2010

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